

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.) MDL No. 2419
PRODUCTS LIABILITY LITIGATION) Master Docket No. 1:13-md-2419-FDS
)
JOAN HULSEY AND GUY HULSEY)
)
Plaintiffs)
)
v.)
NEW ENGLAND COMPOUNDNG)
PHARMACY, INC, ARL BIO)
PHARMA, INC., LIBERTY)
INDUSTRIES, MARION PAIN)
MANAGEMENT CENTER, INC,)
UNIFIRST CORPORATION, A/D/B/A)
UNICLEAN CLEANROOM SERVICES,)

Defendant.

**SECOND AMENDED SHORT FORM COMPLAINT
AGAINST UNAFLILATED DEFENDANTS**

Plaintiff Joan Hulsey (“Hulsey”), on behalf of herself and as Personal Representative of the Estate of Guy Hulsey, Jr., complaining against the Defendants, allege(s) as follows:

FIRST COUNT

1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs’ Master Complaint, with attachments, and any all amendments thereto.

2. Plaintiff is a resident of the State of Florida.

3. Plaintiff brings this action:

[X] On behalf of herself: and

[X] And as the Personal Representative of the Estate of Guy Hulsey, Jr. (hereinafter “Decedent”), who died on October 11, 2012.

4. Plaintiff asserts that the Plaintiff was administered New England Compounding Pharmacy, Inc. (“NECC”) drug methyprednisolone acetate (hereinafter referred to as “NECC drug”), causing injuries and damages.

5. The aforesaid administration of the NECC drug occurred on September 4, 2012, by Dr. Mangala J. Shetty, at Marion Pain Management Center, Inc., located in Ocala, Florida.

6. Plaintiff(s) adopt(s) and incorporate(s) by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

- [X] COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against Liberty Industries.)
- [X] COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against ARL Bio Pharma, Inc.)
- [X] COUNT IV: WRONGFUL DEATH PUNITIVE DAMAGES (Against Liberty Industries)
- [X] COUNT V: WRONGFUL DEATH PUNITIVE DAMAGES (Against ARL Bio Pharma, Inc.)
- [X] COUNT VI: LOSS OF CONSORTIUM (Against Liberty Industries)
- [X] COUNT VII: LOSS OF CONSORTIUM (Against ARL Bio Pharma, Inc.)
- [X] COUNT VIII: PUNITIVE DAMAGES (Against Liberty Industries)
- [X] COUNT IX: PUNITIVE DAMAGES (Against ARL Bio Pharma, Inc.)

8. Plaintiff, Joan Hulsey claims the Decedent, Guy Hulsey, Jr., suffered the following injuries as a result of the administration of NECC's drug: bodily injury; pain and suffering, and death, as a result of contracting fungal meningitis.

9. Plaintiff, Joan Hulsey claims to have suffered the following damages as a result of the administration of NECC's drug: loss of spousal support, mental anguish, medical expenses, and all other damages entitled to Plaintiff, Joan Hulsey, and Decedent's Heirs.

10. The additional designated plaintiff(s) has suffered/have suffered/will continue to suffer the following: loss of spousal support, mental anguish, and all other damages entitled to Plaintiff Joan Hulsey and Decedent's Heirs.

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, attorneys' fees, interest, cost of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's Order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part on further discovery.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully Submitted,

PLAINTIFF(S)

By (Their) Attorneys,

/s/Craig L. Lowell

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Attorneys for Plaintiffs

Date: October 10, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 10th day of October, 2014, a copy of the foregoing document was filed electronically with the United States District Court for the District of Massachusetts, which will send notification of such filing to all counsel of record.

/s/Craig L. Lowell